* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA No.465/2001

Decided on : 13.5.2010

IN THE MATTER OF :

SOHAN LAL (DECEASED) THROUGH LRs. ..... Appellant
Through: Mr. Om Prakash, Adv.

versus

UOI & ANR. ..... Respondents
Through: Mr. Sanjay Poddar, Adv. for UOI.

CORAM
*** HON'BLE MS.JUSTICE HIMA KOHLI**

1. Whether Reporters of Local papers may be allowed to see the Judgment? Yes
2. To be referred to the Reporter or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

HIMA KOHLI, J.

1. The present appeal is listed in the Court pursuant to the order dated 17.3.2010 passed in **RFA No.479/2001** entitled 'Chhattar Singh (deceased) through LRs. vs. UOI & Anr.'.

2. The appellant is aggrieved by an order dated 07.07.2001 passed by the Reference Court on a petition under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as '**the Act'**) in respect of land situated in village Dallupura, assailing the Award No.21/82-83 announced on 14.06.1982, pursuant to Notifications issued under Sections 4, 6 and 17 of the Act, on 09.04.1979, fixing the market value of the acquired land @ Rs.2,900/- per bigha. In the

appeal, the appellant has claimed fixation of market value of the land @ Rs.3,50,000/- per bigha, along with other statutory benefits under Section 23(1-A), 23(2) and 28 of the Act, and interest on solatium and additional amount with costs.

3. It is stated by the counsel for the appellant that the present case is covered by a recent judgment of the Supreme Court dated 30.3.2010 in **Civil Appeal No.2856/2010** entitled 'Prem Chand & Ors. vs. UOI', photocopy of which is handed over by the counsel for the appellant and is taken on the record.

4. The aforesaid appeal dealt with the land situated in village Dallupura acquired by the Notification dated 22.03.1978, issued under Section 4 of the Act, which ripened into a Notification dated 27.09.1978 issued under Section 6 of the Act. In the judgment impugned before the Supreme Court, the High Court had enhanced the compensation fixed by the Land Acquisition Collector for the acquired land to Rs.39,300/- per bigha, while refusing the benefit of Section 23(1-A) of the Act to the appellants/landowners therein.

5. Aggrieved by the rate of compensation fixed by the High Court as also by the refusal to grant the benefit of Section 23(1-A) of the Act, the appellants/landowners approached the Supreme Court. The Supreme Court decided the appeal and ordered scaling down of the compensation by deducting 10% of the rate of Rs.76,550/- per bigha, which was fixed by a Notification dated 17.11.1980. Thus, the rate of compensation was fixed at Rs.69,550/- per bigha as on

22.3.1978, the date on which the land was acquired by issuance of a Notification under Section 4 of the Act, and further, the appellants were held entitled to the benefit under Section 23(1-A) read with Section 30(1)(b) of the Act.

6. In these circumstances, counsel for the appellant claims parity with the above judgment and states that the present appeal, which pertains to the land situated in the same village and is covered under the Notification issued under Section 4 of the Act on 9.4.1979, be decided on the same lines.

7. Accordingly, following the aforesaid judgment of the Supreme Court in the case of Prem Chand (supra), the impugned judgment and decree dated 07.07.2001 in the present case is modified to the extent that the appellant shall be entitled to enhancement in compensation for the acquired land @ Rs.69,550/- per bigha, w.e.f., 9.4.1979, along with benefits payable under Section 23(1-A) read with Section 30(1)(b) of the Act. The appellant shall be entitled to all other benefits as already granted in the impugned judgment, mentioned in para 31 thereof, and the other benefits granted in the case of Sunder Vs. Union of India reported as **2001 (93) DLT 569**, with proportionate costs.

8. The appeal is disposed of.

(HIMA KOHLI)
JUDGE

MAY 13, 2010/sk